



## Roy Cooper North Carolina Attorney General

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For immediate release  
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### **AG Cooper urges SC to let Commission resolve water dispute**

#### ***Fair settlement of Catawba River case would save cost of litigation***

**Raleigh:** A water rights lawsuit brought by South Carolina against North Carolina could be resolved by a Commission that has already been established by the two states, Attorney General Roy Cooper said Monday.

Cooper believes that the North Carolina and South Carolina Catawba-Wateree River Basin Advisory Commission would be the best place to resolve the dispute.

“Your Commission has a proven track record of working cooperatively with respect to water-related issues that impact both States. Consequently, I believe that the Commission would be much better situated to achieve meaningful resolution of this dispute than would litigation,” Cooper wrote in a letter accepting the Commission's offer to resolve the dispute dated February 26.

The Commission was established in 2004 by the North Carolina and South Carolina legislatures to protect the Catawba River basin.

“I urge South Carolina to allow the Commission to work at resolving this dispute for the good of all of our citizens. The Commission was created to deal with these issues and I believe it presents the best opportunity for the States to work together to resolve this dispute, avoid substantial litigation costs and reach a fair settlement,” Cooper said in the letter, a copy of which went to South Carolina Attorney General Henry McMaster.

South Carolina filed suit against North Carolina in June of 2007 over use of water from the Catawba River, which starts in the North Carolina mountains and runs through a series of manmade lakes before reaching Lake Wylie in South Carolina. The case is pending before the United State Supreme Court, which appointed a special master to oversee the case.

[Note to editors: A copy of Cooper's letter is attached.]

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State of North Carolina  
Department of Justice

*Roy Cooper, Attorney General*

February 26, 2009

North Carolina/South Carolina Catawba-Wateree  
River Basin Advisory Commission

Dear Chairman Sheheen and Commission Members:

I appreciate your letter of November 5, 2008 and the Commission's efforts to resolve the litigation filed by South Carolina against North Carolina with respect to the Catawba River. I would like to thank you for the Commission's past work to preserve a natural resource that is vital to both states.

Your Commission was created by the legislatures of North and South Carolina to cooperate in protecting the Catawba/Wateree River Basin. The Commission members, which include legislators from both States, have substantial expertise in environmental matters and have direct and personal knowledge with respect to this river basin. More importantly, your Commission has a proven track record of working cooperatively with respect to water-related issues that impact both States. Consequently, I believe that the Commission would be much better situated to achieve meaningful resolution of this dispute than would litigation.

At your request, I have attached North Carolina's fully executed written commitment that any discussion by the Commission (or its members) with the respect to settlement of the present dispute would not be admissible as evidence in the litigation between North and South Carolina. The fact that your Commission may be subject to the public records laws in both states is positive in that a good solution to this dispute will need input and support from the public.

I also understand that the Commission may need to retain technical expertise to facilitate settlement discussions. I am confident that the Commission would make efficient use of its limited resources and would only make such an expenditure if it would truly add value to the resolution of the present dispute.

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By copy of this letter, I urge South Carolina to allow the Commission to work at resolving this dispute for the good of all of our citizens. The Commission was created to deal with these issues and I believe it presents the best opportunity for the States to work together to resolve this dispute, avoid substantial litigation costs and reach a fair settlement.

Thank you for your efforts on behalf of both States.

Very truly yours,



Roy Cooper

cc: Henry McMaster  
Attorney General of South Carolina